

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

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WYETH,	)	
	)	
Plaintiff,	)	
	)	Civil Action No.: 06-222 (JJF)
v.	)	
	)	
IMPAX LABORATORIES, INC.,	)	<b>PUBLIC VERSION</b>
	)	
Defendant.	)	
_____	)	

**DECLARATION OF KAREN JACOBS LOUDEN IN SUPPORT OF  
WYETH'S OPENING MARKMAN BRIEF**

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Public Version File Date: May 14, 2007

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

WYETH,

Plaintiff,

v.

IMPAX LABORATORIES, INC.,

Defendant.

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C. A. No.: 06-222 (JJF)

**PUBLIC VERSION**

**DECLARATION OF KAREN JACOBS LOUDEN IN SUPPORT OF  
WYETH'S OPENING MARKMAN BRIEF**

I, Karen Jacobs Loudon, hereby declare as follows:

1. I am a partner with the law firm of Morris, Nichols, Arsht & Tunnell, LLP. I am one of the attorneys representing Wyeth in the current litigation.

2. Attached hereto as Exhibit 1 is a true and correct copy of U.S. Patent No. 6,274, 171 B1.

3. Attached hereto as Exhibit 2 is a true and correct copy of U.S. Patent No. 6,403,120 B1.

4. Attached hereto as Exhibit 3 is a true and correct copy of U.S. Patent No. 6,419,958 B2.

5. Attached hereto as Exhibit 4 is a true and correct copy of the Declaration of James W. McGinity, Ph.D., dated May 4, 2007 (with Exhibits A through P).

6. Attached hereto as Exhibit 5 is a true and correct copy of Shaw Dep. Ex. 8,  
bearing production numbers  
IMPAX0003785 through 0003792.

**REDACTED**

7. Attached hereto as Exhibit 6 is a true and correct copy of Shaw Dep. Ex. 10,

bearing production numbers IMPAX0003935 through  
IMPAX0003945.

8. Attached hereto as Exhibit 7 is a true and correct copy of the Markman Opinion and Markman Order in *Wyeth v. Teva Pharmaceuticals USA, Inc. et al.*, Civil Action No. 03-1293 (WJM), both dated September 6, 2005.

9. Attached hereto as Exhibit 8 is a true and correct copy of the Dismissal Order in *Wyeth v. Teva Pharmaceuticals USA, Inc. et al.*, Civil Action No. 03-1293 (WJM), dated January 12, 2006.

10. Attached hereto as Exhibit 9 is a true and correct copy of the Order Vacating Markman Rulings in *Wyeth v. Teva Pharmaceuticals USA, Inc. et al.*, Civil Action No. 03-1293 (WJM), dated January 12, 2006.

11. Attached hereto as Exhibit 10 is a true and correct copy of a Certified Copy of the file wrapper for Provisional Application No. 60/014,006, filed March 25, 1996, bearing production numbers WYETH002-000937 through 000974.

12. Attached hereto as Exhibit 11 is a true and correct copy of a Certified Copy of the file wrapper for Patent Application No. 08/821,137, filed March 20, 1997, bearing production numbers WYETH002-000790 through 000936, with selected portions containing copies of prior art removed.

13. Attached hereto as Exhibit 12 is a true and correct copy of a Certified Copy of the file wrapper for Patent Application No. 08/964,328, filed November 5, 1997, bearing production

**REDACTED**

numbers WYETH002-000563 through 000789, with selected portions containing copies of prior art removed.

14. Attached hereto as Exhibit 13 is a true and correct copy of a Certified Copy of the file wrapper for Patent Application No. 09/488,629, filed January 20, 2000, bearing production numbers WYETH002-000001 through 000343, with selected portions containing copies of prior art removed.

15. Attached hereto as Exhibit 14 is a true and correct copy of a Certified Copy of the file wrapper for Patent Application No. 09/884,412, filed June 19, 2001, bearing production numbers WYETH002-000450 through 000562, with selected portions containing copies of prior art removed.

16. Attached hereto as Exhibit 15 is a true and correct copy of a Certified Copy of the file wrapper for Patent Application No. 09/950,965, filed September 12, 2001, bearing production numbers WYETH002-000344 through 000449 with selected portions containing copies of prior art removed.

17. Attached hereto as Exhibit 16 is a true and correct copy of an excerpt from Webster's Third New International Dictionary (2002) p. 634.

18. Attached hereto as Exhibit 17 is a true and correct copy of an excerpt from The American Heritage College Dictionary, 3<sup>rd</sup> Ed. (1993) p. 686.

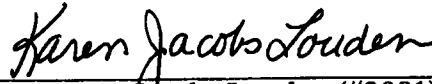
19. Attached hereto as Exhibit 18 is a true and correct copy of an excerpt from Webster's Third New International Dictionary (2002) p. 1142.

20. Attached hereto as Exhibit 19 is a true and correct copy of the Declaration of Eric Hollander, M.D., dated May 7, 2007, with Exhibit A (curriculum vitae).

21. Attached hereto as Exhibit 20 is a true and correct copy of the Declaration of Ronald J. Sawchuk, Ph.D., dated May 7, 2007, with Exhibit A (curriculum vitae).

22. Attached hereto as Exhibit 21 is a true and correct copy of an excerpt from Random House Webster's College Dictionary (2000) p. 763-764.

I declare under penalty of perjury that the foregoing is true and correct, and that this declaration was executed on this 8th day of May, 2007.

A handwritten signature in cursive script that reads "Karen Jacobs Loudon". The signature is written in black ink and is positioned above a horizontal line.

Karen Jacobs Loudon (#2881)

**CERTIFICATE OF SERVICE**

I, Karen Jacobs, hereby certify that on May 14, 2007, I electronically filed the foregoing with the Clerk of the Court using CM/ECF, which will send notification of such filings(s) to the following:

Mary B. Matterer  
MORRIS, JAMES, HITCHENS & WILLIAMS, LLP

I also certify that copies were caused to be served on May 14, 2007, upon the following in the manner indicated:

**BY HAND**

Mary B. Matterer  
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500 Delaware Avenue  
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**BY FEDERAL EXPRESS**

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